

SUPPORT FOR THE AMENDMENT

Claim 6 was previously canceled.

Claim 7 has been added.

Support for new Claim 7 is provided by page 15, line 6 to page 16, line 10, Example 1, and Example 2.

No new matter has been presented by the present amendment.

REMARKS

Claims 1-5 and 7 are pending in the present application.

The Examiner is reminded that that present invention provides, *inter alia*, a stretch wrapping laminated film comprising at least three layers, wherein the laminated film has both surface layers comprising, as a main component, component (A) which is an ethylene polymer, and has at least one intermediate layer formed of a mixed resin layer comprising, as a main component, a resin composition containing the following component (B) in an amount of 30 to 75 % by weight:

a polypropylene resin having controlled stereoregularity satisfying the following requirements (1) and (2):

(1) a meso pentad fraction [mmmm] as determined from a  $^{13}\text{C}$ -NMR spectrum is 0.2 to 0.7, and

(2) a racemic pentad fraction [rrrr] and (1-mmmm) satisfy the following relation:

$$[\text{rrrr}/(1-\text{mmmm})] \leq 0.1;$$

the following component (C) in an amount of 20 to 60 % by weight:

a crystalline polypropylene resin having a crystal melting peak temperature of 120°C or higher; and

the following component (D) in an amount of 5 to 30 % by weight:

at least one resin selected from the group consisting of petroleum resin, terpene resin, coumarone-indene resin, rosin resin, and hydrogenated derivatives thereof,

wherein said stretch wrapping laminated film has a storage modulus ( $E'$ ) of  $5.0 \times 10^7$  Pa to  $5.0 \times 10^8$  Pa as determined through dynamic viscoelasticity measurement with the

frequency of 10 Hz and at the temperature of 20°C, and which has a loss tangent ( $\tan\delta$ ) within the range of 0.2 to 0.8 (Claim 1).

Applicants submit that the new cited art fails to disclose or suggest such a laminated film for the reasons given below. Reconsideration of the outstanding rejections is respectfully requested.

The rejection of Claims 1-5 under 35 U.S.C. §103(a) over WO 99/62987 (Taniguchi; US 6,541,123 taken as an English translation) in view of WO 2001/090227 (Seta; US 2003/0143415 taken as an English translation) is respectfully traversed.

In the Office Action, the Examiner alleges that Taniguchi disclose a polyolefin film for stretch wrap packaging. The Examiner recognizes that Taniguchi fails to disclose or suggest the polypropylene resin should comprise the claimed polypropylene resin; however, the Examiner alleges that Seta teaches a polypropylene which is suitable for use in stretch wrap shrink films. The Examiner further alleges that the polypropylene of Seta meets the meso pentad fraction limitation (1) and the claimed meso pentad fraction (2) of the claimed invention and, as such, it would have been obvious to use the polypropylene of Seta as the polypropylene taught by Taniguchi to arrive at the claimed invention. Applicants disagree for the reasons that follow.

As recognized by the Examiner, Taniguchi does not disclose or suggest a polypropylene resin having controlled stereoregularity satisfying the following requirements (1) and (2):

(1) a meso pentad fraction [mmmm] as determined from a  $^{13}\text{C}$ -NMR spectrum is 0.2 to 0.7, and

(2) a racemic pentad fraction [rrrr] and (1-mmmm) satisfy the following relation:  $[\text{rrrr}/(1\text{-mmmm})] \leq 0.1$ ;

In fact, the values for the racemic pentad fraction  $[rrrr]$  and  $(1-mmmm)$  in the equation:  $[rrrr/(1-mmmm)]$  for the soft polypropylene type resins in the Examples of Taniguchi are calculated as 0.24 (Examples 1-3, 5, 6), 0.22 (Example 4), and 0.21 (Example 7), respectively. Thus, the values for the racemic pentad fraction (2) exemplified by Taniguchi is more than double the maximum threshold of the claimed invention.

In the present invention, when the racemic pentad fraction (2) is in excess of 0.1, feed material pellets may become sticky and may be aggregated during storage. (see page 9, line 25 to page 10, line 1 of the present specification). Taniguchi (or Seta) does not recognize this problem associated with the racemic pentad fraction (2) is in excess of 0.1. The Supreme Court has held that the discovery of a problem or a cause of a problem can lend patentability to an invention. The discovery of a problem is often the key to making a patentable invention. Thus, the patentability of an invention under 35 U.S.C. §103 must be evaluated against the background of the highly developed and specific art to which it relates, and this background includes an understanding of those unsolved problems persisting in the art solved by the invention. *See, Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 U.S. 45, 43 S.Ct. 322, 67 L.Ed. 523 (1923).

Moreover, Example 5 of Taniguchi nearly corresponds to Comparative Example 2 of the present application, which shows that the storage stability of feed material pellets and elastic recovery of the film are insufficient as the resulting evaluation is “BB” and “CC” respectively (see Table 1 on page 32 and Table 2 on page 33). Applicants submit that the benefits for the presently claimed invention would not be expected based on the disclosure of Taniguchi.

Seta does disclose a propylene polymer satisfying the requirement of  $[rrrr/(1-mmmm)] \leq 0.1$ . However, Seta disclose “Basically, the wrap film or shrink film of the present

invention is a single-layer film formed from the aforementioned resin composition.” (see paragraph [0108] of Seta). Seta further disclose that where a wrap film or shrink film is a multi-layer film, the film layer containing such propylene polymer constitutes outer layer of the multi-layer film. (see paragraph [0109] of Seta)

In contrast, the present invention requires that the stretch wrapping film comprises at least three layers, and that the intermediate layer thereof contains the polypropylene resin. As a result of the placement of the polypropylene resin in the intermediate layer, excellent characteristics such as wrapping efficiency, wrapping finish, elastic recovery, bottom sealing property, and transparency, as well as high long-term film stability are provided. (see page 4, lines 13-24 of the present specification). Accordingly, even though Seta discloses a propylene polymer satisfying the specified requirement, Seta does not disclose such propylene polymer as a constituent of outer layer of the multi-layer film. Consequently, even when Taniguchi is read together with Seta, the presently claimed invention would not be apparent. Indeed, at best, the combined disclosures of Taniguchi and Seta would suggest using a polypropylene resin as the outer layer of a stretch packing film, not as an intermediate layer of the at least three layers as presently claimed.

Applicants submit that the claimed invention would not be obvious over Taniguchi and Seta for at least one additional reason. These references fail to provide any suggestion that their technology in any way be combined. The Examiner is reminded that to rely on a reference under 35 U.S.C. 103, it must be analogous prior art (MPEP 2141.01(a)). Applicants submit that there is nothing analogous in the products of Taniguchi and Seta. Indeed, Taniguchi relates to stretch packaging film, while Seta relates to a wrap film and shrink film. These film are different in their use and properties required. In particular, Seta only discloses “When... the racemic pentad fraction (rrrr) and (1-mmmm) fails to satisfy the

above-described relation, a film formed from the resin composition may fail to secure characteristics required for wrap film, such as..." (see paragraph [0047] of Seta). Thus, the skilled artisan would not envision combining the disclosures of Taniguchi and Seta as alleged.

In view of the foregoing, Applicants submit that the claimed invention would not be obvious in view of Taniguchi and Seta and this ground of rejection should be withdrawn.

Moreover, Applicants submit that new Claim 7 is further distinct from the disclosures of Taniguchi and Seta for the reasons that follow. In new Claim 7, the content of each of components (B), (C) and (D) is defined as the based on the Examples (see Table 1) to specifically define concentration ranges that narrower than those in Taniguchi and Seta and for which the evidence of record clearly demonstrates criticality.

As stated above, Example 5 of Taniguchi is the closest example to the claimed invention, which closely approximates Comparative Example 2 of the present application. As described in Taniguchi, the content of component (A) (corresponds to component (B) in the claimed invention) is described as 30-100 % (preferably 40-90 %) by weight in the specification, in particular, 70 % by weight in Example 5, the content of component (B) (corresponds to component (D) in the claimed invention) is described as 5-25 % by weight in the specification, in particular, 10 % by weight in Example 5, and the content of component (C) (corresponds to component (C) in the claimed invention) is described as 40 % (preferably 30 %) by weight or less in the specification, in particular, 20 % by weight in Example 5.

On the other hand, Seta only discloses a resin composition containing two components including propylene polymer [I] and olefin-based polymer, and the composition containing three or more components, in particular, the content ratio thereof is not concretely disclosed.

Therefore, as for the invention of the new dependent claim which is limited to very narrower range of each of the contents of the three components and is unexpectedly superior in all the properties described as merits of the present invention (see Table 1 on page 32 of the specification), it is clearly unobvious over the teachings of Taniguchi and Seta.

Accordingly, in view of the foregoing, Applicants submit that the combined disclosures of Taniguchi and Seta fail to render the presently claimed invention obvious.

Withdrawal of this ground of rejection is requested.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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